

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OKLAHOMA

RUTH BRAY

No.

Plaintiff

11 CV - 361 GKF FHM

v.

DIVERSIFIED COLLECTION SERVICES, INC.

FILED

Defendant

JUN 10 2011

Phil Lombardi, Clerk
U.S. DISTRICT COURT

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Ruth Bray, through her attorney, Stephen Q. Peters of Riggs, Abney, Neal, Turpen, Orbison & Lewis, alleges the following against Diversified Services, Inc.

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which state that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy".

(2/2)

4. Defendant conducts business in the state of Oklahoma and thereof, personal jurisdiction is established.
5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Broken Arrow, Oklahoma.
7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
8. Defendant is an alleged debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national debt collection company with its principal office located at 333 North Canyons Parkway, Suite 100, Livermore, Alanalee County, California, 94551. Defendant regularly attempts to collect debts in this state.

FACTUAL ALLEGATIONS

10. Upon information and belief, Defendant is attempting to collect from Plaintiff an alleged debt owed for student loans.
11. Defendant placed collection calls to Plaintiff's mother, who had not co-signed on the debt, seeking and demanding payment for an alleged consumer debt.
12. Defendant placed calls to Plaintiff's mother and disclosed details to Plaintiff's alleged debt to Plaintiff's mother, stating it was calling regarding a student loan.
13. Defendant placed collection calls to Plaintiff and Plaintiff's mother and threatened legal action against both stating that they would take both Plaintiff

and Plaintiff's mother to court and garnish their wages, and go after her mother's assets.

14. Despite the fact that the Plaintiff's mother has no connection to this loan and is not a co-signer, she was told she had to pay or be taken to court.

15. Defendant violated FDCPA based on the following:

- a. Defendant violated §1692b(2) of the FDCPA by stating Plaintiff owes a debt to Plaintiff's mother.
- b. Defendant violated §1692c(b) of the FDCPA by communicating with Plaintiff's mother in connection with the collection of Plaintiff's debt.
- c. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which was to harass, oppress, and abuse Plaintiff.
- d. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse and harass the Plaintiff.
- e. Defendant violated §1692e(5) of the FDCPA by threatening legal action against Plaintiff even though such action is not intended to be taken.
- f. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by disclosing details of Plaintiff's alleged debt to a third party.

WHEREFORE, Plaintiff Ruth Bray respectfully requests judgment be entered against Defendant, Diversified Collection Service, Inc. for the following:

16. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act,
15 U.S.C. 1692k,
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection
Practices Act, *15 U.S.C. 1692k,*
18. Any other relief that his Honorable Court deems appropriate.

Respectfully submitted,



Stephen Q. Peters,
State Bar No. 11469
RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS
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Tulsa, OK 74119
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ATTORNEY FOR PLAINTIFF
RUTH BRAY

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff Ruth Bray, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, Ruth Bray, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibit may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, Ruth Bray, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

6/02/2011
Date

Ruth Bray
RUTH BRAY